

**Notice of Allowability**

Application No.

10/053,342

Examiner

Kristin Derwich

Applicant(s)

MORAIS ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications received October 12, 2005.
2. ☒ The allowed claim(s) is/are 1-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pg. 21, 1<sup>st</sup> paragraph, lines 19-20, filed October 12, 2005, with respect to claims 16, 18, 39 and 43-47 have been fully considered and are persuasive. The rejection of claims 16, 18, 39 and 43-47 and all of its dependent claims has been withdrawn.
2. Applicant's arguments, see pg. 29, 2<sup>nd</sup> paragraph, lines 6-7, filed October 12, 2005, with respect to claims 1, 4-6, 8-13, 15, 19-26 and 48-51 have been fully considered and are persuasive. The rejection of claims 1, 4-6, 8-13, 15, 19-26 and 48-51 has been withdrawn.
3. Applicant's arguments, see pg. 43, lines 3-5, filed October 12, 2005, with respect to claims 2, 3, 7, 14, 27, 29, 30-38, 49 and 52-54 have been fully considered and are persuasive. The rejection of claims 2, 3, 7, 14, 27, 29, 30-38, 49 and 52-54 has been withdrawn.
4. Applicant's arguments, see pg. 48, lines 10-19, pg. 50, lines 2-4 and 23-25, filed October 12, 2005, with respect to claims 40-42 have been fully considered and are persuasive. The rejection of claims 40-42 has been withdrawn.

### ***Allowable Subject Matter***

5. Claims 1-54 allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 6, 13, 19, 27 and 48:

The prior art of record fails to disclose a secure communication link between two game consoles being established while a game title is running on the game consoles. Although the

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idea of establishing a secure communication link between game consoles is established in the art, it is usually to provide copy protection to the game title as depicted in Rothschild (6,152,824). A secure communication is established with the game server, which can act as a game console whether manned or unmanned, in order to authenticate the user in order to ensure the player is authorized to play the game titles. This minimizes the chance of the game titles being downloaded by users who have not paid. Therefore, when the authentication occurs, the game title is not running on the players game console yet. In addition, as stated in Rothschild, although communication between two players is facilitated, the secure communication is established between a non-game server in order to match the authenticated player up with another authenticated player instead of the secure communications being set up between the two players directly who are *already* running the same aforementioned game title. None of the prior art of record combines to disclose this limitation. An updated search did not uncover any new prior art.

Regarding claims 16, 27, 33, 39 and 43:

The prior art of record fails to disclose deriving new keys from unique game console and game title keys. Although the closest art of record, Chatani (2002/0104019), clearly discloses a console based key and a title based key, Chatani fails to disclose these two keys being used to derive new keys. As mentioned above, it is common to safe guard against unauthorized users stealing games from the network, therefore, many secure communications that utilize keys are specific to game distribution software as Chatani is. Therefore, although other keys exist based on user information, none are derived from the console and game title based keys because they are used, as is common in the art, for the authentication and distribution of a game title.

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Therefore, once a console or game title based key is utilized and authenticated, the distribution occurs and there is no need to derive more keys. None of the prior art of record combines to disclose this limitation. An updated search did not uncover any new prior art.

Regarding claims 25, 36, 40 and 41:

The prior art of record fails to disclose computing hash digests of the packets being sent and received and deriving security association keys from sent data and received data.

Computing hash digests and deriving security association keys are well known techniques however they are not usually employed in the *direct* communication of players who are already playing the same game title. Hash digests and security association keys are used in secure communications which in the art of games is usually utilized in authenticating a user before distributing the game. Even when players want to play with each other over a network, it is usually through a third party that they are matched and the secure communication is established between this matching server and the user as opposed to between the multiple users directly. None of the prior art of record combines to disclose this limitation. An updated search did not uncover any new prior art.

No art disclosing, nor motivation to combine has been found which recites any of the limitations described above. All other pending claims are dependent upon allowable claims 1, 6, 13, 16, 19, 25, 27, 33, 36, 49, 40, 41, 43, 48 and 52 and are allowable for that reason

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

~~THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).~~

68 { A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristin Derwich  
Examiner  
Art Unit 2132

  
KMD

  
GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
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